

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for New Jersey Board of Pharmacy

FILED

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BOARD OF PHARMACY

By: Jodi C. Krugman
Deputy Attorney General
Tel. No. (973) 648-2975

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

SANFORD KESSLER, R.P.

28 R I O 1122200

TO PRACTICE PHARMACY IN THE :
STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information that on April 12, 2007, respondent Sanford Kessler ("respondent") was arrested and charged with one count of theft by deception in violation of N.J.S.A. 2C:20-4, one count of insurance fraud in violation of N.J.S.A. 2C:21-4.6A, one count of distribution of prescription legend drugs in violation of N.J.S.A. 2C:35-10.5A and one count of conspiracy/false contract payment claims in violation of N.J.S.A. 2C:5-2. On December 13, 2007, respondent plead guilty in the Superior Court of New Jersey, Bergen County, to one count of health care claims fraud in violation of N.J.S.A. 2C:21-4.3 and one count of distribution or possession of a prescription drug or stramonium preparation in violation

of N.J.S.A. 2C:35-10.5A. Specifically respondent, from January 1, 2004 until April 12, 2007, distributed Lipitor to customers of Alvin's Pharmacy which medication was not purchased from drug wholesalers, and submitted claims to Caremark for payment of prescription medications that in fact were not dispensed. As part of respondent's guilty plea, he agreed to surrender his pharmacy license with no right to reapply.

The above conviction provides grounds for the revocation or suspension of respondent's license to practice pharmacy in the State of New Jersey pursuant to N.J.S.A. 45:1-21(f) in that the crime of which respondent was convicted is one of moral turpitude and/or relates adversely to the practice of pharmacy.

IT IS THEREFORE on this 8th day of October, 2008,

ORDERED AND AGREED that:

1. Respondent's license to practice pharmacy in the State of New Jersey be and hereby is surrendered, such surrender to be deemed a revocation of respondent's license, with prejudice. Respondent shall not hereafter apply for reinstatement of licensure.

2. Respondent shall cease and desist from engaging in the practice of pharmacy including the following: respondent shall not handle, order, inventory, compound, count, fill, refill or dispense any drug; he shall not handle anything requiring a prescription including devices and medications; he shall not handle prescriptions; he shall not advise or consult with patients, and he is prohibited from being present within a prescription filling area of a pharmacy.

3. Respondent shall divest himself of all interest which he presently holds in Alvin's Pharmacy to a person or persons unrelated to him through consanguinity or marriage or to a partnership or corporation in which none of the partners or principals are

related to him through consanguinity or marriage. Respondent shall provide the Board with a copy of an executed contract of sale.

4. Following the divestiture of his interest in Alvin's Pharmacy, respondent shall not hold a permit to operate a pharmacy in New Jersey nor shall he have an ownership interest in any entity that holds such a permit.

5. Respondent shall, upon execution of the within Order, surrender his original wall certificate, his wallet certificate, and the most recent renewal card of his license to an authorized representative of the Board.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley
Edward G. McGinley, R.P.
President

I have read the within Order and understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Pharmacy.

[Signature]
Sanford Kessler, R.P.

Consent is given as to form and entry of this Order.

[Signature]
Richard Galler, Esq.
Attorney for Sanford Kessler, R.P.